



August 24, 2021

Hon. Michael J. Roemer
United States Magistrate Judge
Robert H. Jackson U.S. Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Belsito v. County of Erie, et al
Case Number: 1:19-cv-00215 / GS File No.: 16989.0124

Your Honor:

This letter will respond to the August 17, 2021 letter of plaintiff's attorney, Aaron Glazer, Esq., to the Court, as directed by the Court's August 18, 2021 Text Order.

Discovery Status

Mr. Glazer mentioned that the only remaining discovery is my subpoena on Verizon for text records between Sheriff Howard and former Deputy Achtyl during his criminal trial. I served that subpoena on Verizon yesterday. I will advise Mr. Glazer as soon as I get a response from Verizon.

Trial

I have no objection to Mr. Glazer's request for a bifurcated trial. I respectfully suggest that we take into account how the timing of the October 1, 2021 deadline for dispositive motions and mediation, as discussed below, could affect the trial date.

Dispositive Motions

This Court's November 25, 2019 Decision disposed of some of plaintiff's claims already. We are serving a motion by October 1 on several of the remaining aspects of the eight causes of action in the Complaint. I would expect that the Court's briefing schedule on that motion will take us into November for opposition and a Reply.

Mediation

In a recent conference with the Court, Your Honor offered to act as a mediator should the parties wish to discuss settlement. My clients and their insurer, AXA XL, accept your offer and wish to make an earnest effort at settlement. In my experience, the most productive use of the Court's time would be a planned session with all key participants involved, either in person, on Zoom, or a combination of both, to allow for separate caucuses with our mediator. I will have the claims professional from AXA XL and a participant from the Erie County Attorney's office with

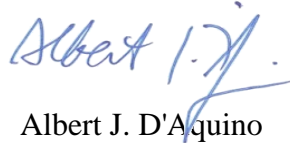
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me. I would expect that Mr. Belsito and all of his attorneys will participate. If he wants his parents involved I have no objection to that (Mr. Belsito is 29 now; he was 25 at the time of the December 3, 2017 incident at issue).

Thank you for your consideration of our positions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Albert J. D'Aquino", with a stylized flourish at the end.

Albert J. D'Aquino

cc: Aaron F. Glazer, Esq.